



Variance Review Board
City Council Chambers
City Hall
315 E. Kennedy Blvd., Third Floor
Tampa, Florida 33602

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE VARIANCE REVIEW BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO HIRE A COURT REPORTER TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND SECTION 286.26, FLORIDA STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE DATE OF THE MEETING.

IF YOU DECIDE TO APPEAL A DECISION OF THE VARIANCE REVIEW BOARD, YOU WILL NEED TO APPLY TO THE CITY OF TAMPA CITY CLERK'S OFFICE NO LATER THAN SEVEN BUSINESS DAY'S AFTER THE ORAL DECISION IS MADE. YOU WILL NEED TO OBTAIN A COMPLETE COPY OF THE RECORD FOR YOUR APPEAL.

MINUTES

(As of August 31, 2009)

MEETING DATE: August 11, 2009

SPECIAL MEETING

MEETING TIME: 5:30 PM

I. WORKSHOP – Signs

Roll Call:

Randy Barron, Steve Labour, Lucinda Utter, Antonio Amadeo
Sue Lyon and Randy O'Kelly came in at 6:15

Antonio Amadeo called meeting to order and introduced members and introduced staff.

Julia Cole, Assistant City Attorney: Requested to speak regarding the sign code and provide an overview of sign code to clear up confusion or answer other questions. Aware sign code for many years. City council requested a creation of a sign committee that was headed by Rose Ferlita to give amendments to the sign code, brought forth codes from various cities, and sign industry and planners. The only issue was on-site signs, not off-site or billboards.

How much signage on any given site, what is allowed? The city at that time allowed a lot of signage. The committee made recommendations to reduce signage to be more in

line with Hillsborough and Pinellas Counties. This covered free standing signs and building signs. Free standing – pole signs got away from that language allowing 300 s/f but other jurisdictions allowed less. Result is a reduction to 50 square feet per free standing sign per property. Various heights (18' to 35' allowed) approved according to the type of right of way that determined how high sign could be.

Other issue is electronic signs. There is Affordable sign technology. Prior to amendments in 2007 any parcel could have an electric sign but could not change more than once in 24 hrs. There was discussion and recommendation as to whether or not electronic signs should be allowed by city council and there was a decision to allow but no change more than 5 minutes.

General Law – variance makes nonconforming signs a legal conforming sign, and has a different status. When you grant any variance it is legally allowed to be there. It changes status and it becomes conforming. It does create an impact when sign comes before you.

Ms. Cole pointed out that in 2009 an amendment to sign code to electronic message signs changed. The code stated that electronic message center signs may be permitted as part or all of the sign area as provided herein and added and the sign surface are shall be limited to allowable surface area, created a size limitation on allowable electronic signs. This created additional regulation on sizes.

Antonio Amadeo – asked for questions from the board.

Randy Barron can we grant a variance to allow larger – Julia yes, as long as they meet the general criteria.

A petitioner comes before to put in an electronic sign in a legally nonconforming sign and want to put in larger we can limit size of electronic sign. They have right to put in size allowed if we vest size they are allowed 50 square feet. If we don't grant a variance for over 50 square feet they are only allowed 50 square feet.

Electronic sign is limited to what is allowed under code. Decision was made clear that limited it to 50 square feet. It exists in general authority.

Antonio asked about repair & maintenance.

Julia - doesn't apply to what you review it is a permitting question.

Seek permit to change to electronic versus repair and maintenance. Any variance that comes in front you, you need to determine if variance is appropriate as it changes status from legal nonconforming to conforming it now has a different status.

50 square feet – not nonconforming sign can change out to electronic.

Only way is to tear down and meet code, or come to you and ask for one to two variances. Have to have variance to allow larger sign and become conform and 2nd to limit to conforming sign to be limited to 409 square feet - never ask to make nonconforming, you change status to legal conforming.

Electronic sign provision - to make clear that you can only be legal conforming to change out to electronic sign or a variance is granted. Any time you are granting variance you say it is now conforming.

Antonio Amadeo – the changing every 5 min doesn't come before us

Julia that would be an activated sign and that doesn't come before you.

Antonio - does staff look at what sign is – Julia not from content provision.

Julia all in code – max light level is 2 foot candle.

Julia - 50 square foot per face, does not include address.

Antonio - limit 2 sign faces.

Julia - two sign faces.

Steve asked if electronic signs on a wall are allowed.

Julia - not just for pole sign, can be on a wall, if legal conforming.

The Board recessed to 6:30 p.m.

PUBLIC HEARING

MEETING TIME: 6:30 PM

Antonio Amadeo Called the meeting to order.

- I. **ROLL CALL:** Sue Lyon, Randy Barron, Antonio Amadeo, Randy O'Kelley, Steve Labour, Lucinda Utter, Gennaro DiNola.

Staff in attendance: Joel Sousa, LDC; Eric Cotton, LDC; Rodger Kirk, Transportation; Mary Danielewicz-Bryson, LDC; Ernie Muller, Senior Assistant City Attorney.

- II. **APPROVAL OF MINUTES FOR July 14, 2009**

Steve Labour (1st) asked to hold minutes for June 9 and July 14 to this month and said that his concerns were addressed and moved to approve (Randy Baron 2nd).

No objection minutes were approved unanimously.

City Attorney – swore persons in. He also asked board if they had any exparte communication. If verbal comm., give substance where and what was said, and if written communication disclose written communication.

III. OLD BUSINESS: Cases Continued/ Mis-Notice

PETITION: VRB09-42
PETITIONER: Mayim Properties, LP
AGENT: John Grandoff III, Esq
LOCATION: 7501 & 7512 S Trask Street
REQUEST: To remove several grand trees
PURPOSE: To construct new homes
NEIGHBORHOOD: Port Tampa City

Eric Cotton – introduced case for 7501 & 7512 Trask – number of lots – notice was not perfected and case was continued to this meeting. Applicant is seeking relief from chapter 13. He passed out comments from Kathy Beck with Parks and Recreation and stated Bruce Lucas from Parks and Recreation was here to answer questions, and that John Grandoff is the petitioner. He further stated that the hearing was continued few times to discuss what trees to be removed and how to progress. He turned meeting over to petitioner.

John Grandoff – introduced Lance and Todd Gingrich and presented the case before the variance review board. Petitioner showed pictures giving prospective. Petitioner provided revised site plans and tree issues. Went over site plan staff report by Cathy Beck and Lucas tree 969 and 992 build foot print 989, 987, and 988. Tree 986 just barely in foot print. All except 986 denying reasonable sue staff ok to remove. .

Labour this was not part of PD development lot by lot – no agreement what to save or cut down – Petitioner kept RS-50 zoning and entered developers agreement developer acknowledges all grand trees may only be removed by variance review board. We were destined to come before you.

John 32" tree to be preserved, significant cluster saved, 2 being preserved - John another sheet another no grand trees.

Sue Lyons – how many trees to be remove

Petitioner - 5

Steve record perfected - for 5 trees. Point out each tree & show why reasonable use denied.

John worked from Kathy Beck memo.

Bruce presented several copies for you.

Eric stated that the final determination did not come into our office until today. They worked off last issues - John and Kathy. Antonio asked that just came in – does not make a recommendation.

Antonio read memo dated 8/14/09

Randy Barron – spec comm. Tree to be preserved.

John – read Kathy beck memo:

Grand Tree 969 – Lot 1, Block 207: This live oak tree is located in an area where over 3.5' of fill will be placed. In addition, it has been verified to be located approximately 35' from the front property line putting it within the minimum building footprint.

Grand Tree 992 – Lot 4, Block 207: This live oak tree is located in an area where over 2' of fill will be placed and has been verified to be located in the center of the lot. See below.

Grand Tree (unnumbered) – Lot 4, Block 207 – This live oak tree is located at the front of the lot and has now been **scheduled for preservation**. Although located in an area of fill, retaining walls will be constructed and drained in the swale in front of lots. The water main has been redesigned to avoid utility conflicts.

Significant Clusters # 991 and 992 – Lot 5, Block 207 – These large significant live oak clusters have now been **scheduled for preservation** by reducing the footprint of the proposed home.

Block 207 – In addition to the above, Ashton Woods has committed to a 20' rear yard setback, left at original grade, to preserve all trees in the setback, which include one grand tree (Lot 3). These lots abut existing single family residences.

Grand Tree 989 – Lot 3, Block 208 – This live oak tree is located in an area where over 2.5 feet of fill will be placed and has been verified to be located approximately 38' from the front property line. Utilities cannot be relocated to the other side of the street due to the adjacent wetland.

Grand Tree 988 – Lot 6, Block 208 – This grand tree is located in the front of the lot and will be in direct conflict with utility construction in the right of way. Utilities cannot be relocated due to street adjacent to wetland.

Grand Tree 987 – Lot 7, Block 208 – This live oak tree has been verified to be located in the center of the lot and in an area where over 2' of fill will be placed.

Grand Tree 986– Lot 8, Block 208 – We have recommended that this tree be preserved by reducing the building footprint and providing retaining walls with adequate drainage (see trees in rear lots).

Antonio asked if anyone from the public wanted to speak – seeing none closed public hearing.

Discussion by the board.

Steve – named specific trees - only bothers me 986 tree - use argument that deny reasonable use one factor to help this board member is to show reconfigured house doesn't fit.
Not expert to - see something else setback diff –

Other tree 988 bothers understand practical reason utility and close to wetland quite a ditch appreciate but need test tree won't survive utility can move grand trees special amenity two good reasons to remove hazardous and reasonable use denied. Doesn't see it.

Randy Barron made a comment 986 need additional information – reasonable use to meet market development pattern – keeping tree does not deny reasonable use need additional information on lot 988. Seems the petitioner tried to preserve as many as he can.

Antonio asked to open hear – no objection - opened

Steve 2 tree he is having trouble with – John understand and 1 month to address 986 988 utility tree Seeing Eye to eye w/staff remove tree conflict utility no where to go ditch there discussed in field.

Antonio asked if there was any one in Public to make a comment –

Pete Johnson – suggestion – make lots into to pocket parks – long run improve neighborhood. Suggest.

Grandoff – rebut - like to continue one month to address trees 986 988 show utility channel; 982, 989, 987.

Ernie- recommended continuing one variance request as a whole can't break down to 6 mini variances.

Ernie – one approve two not – pending – someone wants to appeal – pt still before you – appeal of one with pt - procedural problem- permit stay 7 days – john bound by that. Wants to move forward knowing can be denied. John board has leeway – Ernie board can do what wants to do – should keep as one request.

Antonio sum consensus – Mr. Grandoff removes two trees from this variance and re-file then we can continue with permitting at construction services department

Steve withdraw 2 trees – might not be back 60 days

John check with client. Will withdraw 986 988 ask approval for remaining trees.

Antonio closed public hearing and opened for board discussion

Steve move to approve to remove trees #969, #992, #989, #987 – remove trees based upon hardship that reasonable use is denied. 2nd DiNola

All in favor, opposed Sue Lyon. – No

For the record petitioner withdraws tree numbers 988 and 986.

IV. **NEW BUSINESS**

A. **TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES/ SPECIAL TOPICS**

PETITION: VRB09-55
PETITIONER: Fifth Third Bank
AGENT: Mike Chawk
LOCATION: 2602 E. Hillsborough Avenue
REQUEST: Allow for wall sign not facing public right-of-way and
increase allowable size from 0' to 61-square feet.
PURPOSE: Install wall sign
NEIGHBORHOOD: East Tampa Business & Civic Association

Joel - introduced case – all signs pub frontage showed aerial – showed pictures. Side front & west.

Mike chalk – gave cleaned up site plan receive and file

Antonio - received & filed

Mike Chalk/ Sign Star – allow 2nd wall sign on west out parcel showed site plant showed entry way shared. Other entry on Hillsborough Avenue - east of bank. Two means of access – west ok advertised pylon sign meets code I.D. entry way. Other entry seeks review primary access make choice to turn lane 400 – 500' see pole sign - past it u turn - direct people with sign.

Showed additional picture showed pole sign tower is visible to direct into bank

100' shared entry way – can see pole sign
West elevation showed.

Antonio - asked if staff had any comments – no comment.

Steve – if side road is street – sign allowed - not street not allowed - & square feet. Will meet code

Antonio asked if any one from the public had any comments

Spencer Kass – concerned big nationals getting sign small – 50 square feet total they do not' get into additional – this is not road nothing unique & singular – put in turn lanes give variance to all appeal to council to change code – nothing unique and singular and no hardship. All want better or more signage. 0-61 square feet waive amount of allowed signage. Construction services department say different - go by criteria.

Mike chalk rebuttal – 50 square feet true pole sign- Street allow –

Steve - if street, would allow another sign –

Joel – based on building frontage on street. Construction Services Division made determination side street is not public street based on building frontage – ok

Antonio - Closed public hearing - no objection

Discussion

DiNola – driveway what stops everyone else to ask for sign setting precedence. Developer well knew developing on drive way.

Allison – situation of building and property and surround – don't see any thing different. 1st time don't know entry all other times will know – not convinced needed

Barron – driveway not street – not convinced that sign serve purpose. Move to deny on basis not shown hardship – needs 2nd sign off drive

2nd Allison all I favor Labour and O'Kelly and Amadeo against motion passed- petition denied.

PETITION:	VRB09-58
PETITIONER:	Tampa Palms Lodging Assoc., LLP
AGENT:	Michael Morelli/Apple Sign & Awning LLC
LOCATION:	5396 Primrose Lake Circle
REQUEST:	To increase projection height of wall sign above roof line from 0' to 48".
PURPOSE:	To install projecting wall sign
NEIGHBORHOOD:	Tampa Palms North Owners Assoc./New Tampa Commercial Overlay District

Joel introduced case and summarized the request administrator determined sign is projecting sign, not a roof sign. She made interpretation.

Paul Lilma, Apple Sign, always thought a projecting sign came off building and thought this was considered a wall sign.

Steve point of order – has to do with how variance was advertised. To increase projecting sign above roof.

Antonio asked what is projecting sign & roof sign.

Eric gave definitions of signs and stated that the decision was made by Zoning Administrator but is not before you here. Variance is based upon projecting sign

Steve asked can we proceed.

Eric cotton – notice was sent out to sign height 18' to 72' increase projecting sign of height from 0 to 48 from 18 to 72. The issue came up and the Zoning Administrator based on code - roof here and projects above.

Paul The wall sign is attached to wall is part of bldg wall is 48" above roof of bldg to let us go above roof line wall is built and letters only stick out 22" needs to see sign visible from 75 need site visibility right before exit. Paul Showed other sign on Bruce B. Downs.

Paul outer perimeter where sign is, it is part of building.

Steve - asked if letters could come off and not affects bldg and asked that he show rectangle – just letters shown as the sign.

Paul – per Construction Services Division – letter extend above roof line.

Antonio - anyone in public to speak– no – objection to close.

Board discussion:

Gennaro DiNola stated the only question he has if its part of building, if its part of structure not extending above parapet. Has not seen permit – doesn't know if structure is behind it is face of wall – designed as part of building no problem with sign if part of permit plans – caveat exterior part of permitted plans.

Randy Barron – Zoning Administrator determined its pt of sign not part of bldg. Boot strapping sign to bldg.

Steve stated he said building department pushed it back they said it is not part of building and go get a variance. He wants variance to be seen from 275. He can get advertising, he does not need a sign 72' in air, and it is not a public safety issue.

Antonio Amadeo asked did they design building with sign.

Steve Labour stated they need to come back show its part of building. Zoning Administrator also said its sign – need to continue

Gennaro DiNola – asked if they agree to come back.

Antonio - Open public hearing

DiNola stated that the objective is to come back to show wall is part of building.

Ant bring back specific drawings that it is part of wall.

Applicant asked for continuance

Steve Labour made a motion for 30 days continuance to show structure is part of building & variance review board to ask zoning administrator to review again.

Steve further stated his motion is to continue for 30 days to bring evidence that location of sign is part of building structure and have the zoning administrator review for determination.

DiNola 2nd – motion

Baron asked that zoning administrator request be removed from motion.

Steve stated that he is not removing zoning administrator interpretation request.

DiNola and Steve Labour yea on motion to continue with zoning administrator request. Sue Lyon, Randy Baron, Antonio Amadeo and Allison Utter - no, motion did not carry.

Randy Baron – motion to continue 30 days without instruct to go to zoning administrator for petitioner to just get what is necessary to show sign is part of building.

Motion Steve Labour made failed with respect to the two parts

Baron zoning administrator to take action –

There was discussion between Steve Labour and Randy Baron regarding clarification on if Zoning Administrator interpretation included in the motion.

Steve Labour and Randy O’Kelly nay all other yes on call of question –

Ask council what voting on. Calling on question on Mr. Barron’s motion to end discussion to take vote.

Labour DiNola voted nay, motion carried

Gennaro DiNola, Rand O’Kelly and Steve Labour voted against supporting continuance.

Ernie motion was for 30 days – put him out beyond next meeting. Do not move forward without petitioner’s representative here.

Antonio stated they wanted to keep it precise and proper and asked the petitioner if he wanted a continuance for September 8, 2009 –

Petitioner stated that he decided to go with Zoning Administrators interpretation and wants to proceed tonight.

Antonio stated they opened the hearing to continue to September 8, Randy Baron stated the only question we are addressing is the 30 days goes beyond 9/8.

Ernie stated they should amend to next meeting.

Randy Barron stated to amend motion to be next meeting.

Ernie – hearing already opened amend motion

Randy Barron amended motion to next hearing date 9/8/09

Steve Labor stated the petitioner should specifically show surface of where sign to be placed and that it is part of structure of bldg.

Randy O’Kelly 2nd, Motion carried unanimously.

PETITION: VRB09-59
PETITIONER: Whittier Square, LLC
AGENT: Amy Neidringhaus, P.E.- Validus Engineering Group, LLC
LOCATION: 5101 E. Busch Blvd.
REQUEST: To reduce the required parking number from 47 to 33
PURPOSE: To convert an existing office space to locate a medical office within an existing commercial strip center
NEIGHBORHOOD: Temple Crest Civic Assoc.
This petition has been administratively withdrawn.
Eric Cotton – did not need parking waiver granted administratively
Ant no one form audience - withdrawn

B. GENERAL VARIANCES

PETITION: VRB09-52
PETITIONER: Mario Espaillat
AGENT: Not Applicable
LOCATION: 4014 N 22nd Street
REQUEST: To reduce side yard setback from 10’ to 1’1/2”
PURPOSE: To vest existing building
NEIGHBORHOOD: East Tampa Business & Civic Association

Eric introduced variance to add columns the building is existing. & showed aerial.

Mario Espaillat – ask for variance to reduce setback from 10 – 1-1/2”.
Showed site plan showing corner in question. Existing bldg has been there 30 years.. Proposing to beautify bldg with columns and arches. Can not extend to edge. 5’ overhang. Drew where he was putting column under awning and put parapet on roof.

Staff no comments

Steve staff question – Eric cannot hear administrative waiver – only 10% allowed.

Discussion

Sue Lyons – enclosing area – Mario - no

Randy never to close in – Mari -ok

O'Kelly move to approveto vest ex structure and new const –
petitioner showed hardship approved

Randy Barron stated as long as it is not enclosed.

O'Kelly ok

Motion carried unanimously.

PETITION:	VRB09-54
PETITIONER:	Jose Montserrat, Eugenia Marcet, Melvis Montserrat
AGENT:	Not Applicable
LOCATION:	3105 W Saint Conrad Street
REQUEST:	Reduce side yard setback for main structure from 7' to 0', and rear yard from 20' to 3'.
PURPOSE:	To keep existing structure constructed without permits
NEIGHBORHOOD:	NE MacFarlane

Eric cotton introduced case and showed aerial photo. Cited for work without permits. Showed picture changed door to window. Do not meet ch13 for green space requirements. Ask for waiver and pay for in lieu fee – continue to include fee or create greenspace .

Petitioner. Melvis monsteraat. Came for setback bought house it was the way it is. Due to robberies, put in window and did not know codes. 14 years same neighbor states that she consents. Repairing structure.

Petitioner questioned about green space – did not find out about greenspace until tonight.

Antonio asked if fines were being accrued – Eric stated that they were cited by building for work without permits. Until go to code board no fine - \$150 administrative fee but no fine.

Continuance for 60 days

DiNola - green space – brought up by greenspace will need to pay new fee and go for another variance. Explained why needed.

Mary Danielewicz-Bryson – explained greenspace, that 98-99% of sites meet greenspace, however this site did not. She stated that she made several attempts to contact petitioner by e-mail and by phone to inform them of situation and allow them to continue to re-notice to include green space waiver and not pay another variance fee.

Eric can grant setback variance - but will have to pay new fee and ask for greenspace waiver.

DiNola – continue to October to get variance correct.

Petitioner responded that they will continue.

10/13 DiNola moved to continue to October to re-notice for greenspace issue

Barron 2nd

All in favor - carried unanimously.

PETITION: VRB09-56
PETITIONER: Kered Connors LLC, a Florida limited Liability company
AGENT: Jonathan C. Koch
LOCATION: 52-58 Bahama Circle
REQUEST: To increase the proposed height of a proposed front yard from 3' to 6' for a wrought iron fence with opaque screening in corners
PURPOSE: To hide electrical equipment and security need
NEIGHBORHOOD: Davis Island Civic Assoc., Inc.
Antonio – receive & file numerous letters that came in last few days objection.

Petitioner has copies.

Eric introduced variance request. To increase wall to 6' in front yd. Showed plan with highlight showing where 6' fence will be placed. Transportation has issue with it wants gates to open inward.

Mary is requiring a pier & lintel

Antonio asked for clarification on request to increase height to 6'. 3' solid w/wrought iron.

Kelly gates & transformer clarification

N

Petitioner – Jonathan Koch. 1802 N Highland

Two aspects of fence needs variance total height 6' w/3' masonry wall and 3' wrought iron. Front corners elect equip switch gear and electric box large structure for large residences in Hillsborough County. #2 remainder of front fence. Siding gates 6' wrought iron pickets 3' masonry wall with 6' masonry columns with limestone caps. Total 6' high fence will be 3' transparent. Reasonable. With 6' equip enclosures. Corner no compliant fence that will enclose. Practical and efficient solution to deliver electric to site. Has a picture of comparable transformer.

Baron – put up on screen. Showed box by airport box is 60" tall. 2nd basis for hardship 6' fence around equip also. Came up since structure was permitted. Owner is famous needs to take measures to preserve privacy.

Staff – transportation – Rodger Kirk two requests – proposed gate recessed 18' to accommodate pedestrian access on sidewalk proposed gates must be swing in not outward or provide gate setback not in row.,

DiNola – 18' from street, Roger Kirk 18' from property line.

O'Kelly – Per TECO guidelines – may need to be out. Rodger – may need to recess.

Steve- fence not required a permit. Eric - he needs fence permit for masonry

What prevented to locate on sides or rear? Koch negotiated with TECO. Needs zone of free space and requires access from street. Why gates are on front side of enc. TECO needs unobstructed access. The farther back you place them the more complicated process becomes.

Antonio acknowledged fact of notoriety but other persons who share same and have to deal with meeting codes. What is unique about this site. Antonio cited Bayshore - what is hardship other than transformers. Client circulates freely there are other athletes none has profile as significant.

Steve - if required height fence can scale fence and could get into lawn whose liability. Koch – trespass

Antonio asked if any one in the public wanted to speak:

Mark Weldon - 60 Bahama Circle, spoke - I support fence in front and TECO access and not close to bedroom would support larger fence - has traffic concerns.

Ernie asked if he filled out speaker form – yes.

Kris Kral, 533 Riviera Drive - does not support;

Dave Lurie, 63 Bahama Circle - Supports variance there is concern privacy.

Taylor Ward - 53 Bahama Circle has security concerns as well – visual screening for security – not good addition - balance of street scape, scale, pattern of development. Uncomfortable with transformers.

Sam Mandelbaum - 19 Baffin Ave. – Welcome Jeeter. No fence over 4' in best wisdom of zoning board to make decision good luck.

Norma Lurie – 63 Bahama Circle directly opposite Jeeter prop. 50 years from now they will say Derek Jeeter house - nice place to live - fence will be in good taste.

Mr. Koch -rebuttal time. Structure has impact plan to mitigate with landscaping - client wants to live quietly in neighborhood address fence we cant run back clock travels and schedule is known feel put in fence compatible with neighbor hood not wall only 3; wall and transparent .

Close ph. No objection closed
Discussion

Steve make motion to approve increase height of front yard fence form 3' 6' to hide electric with security needs believes hardship is met.

2nd DiNola. With Transportation to have gates swing inward away from the right-of-way and Mary's concern for tree tie condition to site plan .

Steve - include staffs recommendations

Ernie add tree to conditions

Mr. Koch - understands tree will be complied with, Transportation can swing back instead forward and setback engineering makes every effort to comply with that. Agrees to condition on 18' setback with gates and raise it with authorities at that time.

Steve - petitioner meets requirements in staff report motion stands without conditions except for tree.

All in favor - motion carried unanimously.

PETITION:	VRB09-57
PETITIONER:	Alexei Gonzalez
AGENT:	Jason Goodrich
LOCATION:	908 E. 25 th Avenue
REQUEST:	To reduce the proposed rear yard setback from 15' to 0', and reduce sideyard setback from 5' to 0'.
PURPOSE:	To remodel burned structure in rear of property
NEIGHBORHOOD:	VM Ybor Neighborhood, East Tampa Mixed Use Overlay

Eric cotton presented next case explained overlay setback requirement. Showed site plan. Joel and Mary took pictures in field.

Petitioner Jason Goodrich agent for Mr. Gonzalez to allow setback for rear and side for property. structure been there since 1940 2005 had fire and has sat due to insurance or whatever reason current owner is asking to keep exist to remodel inside only. It is not be used as 2nd residence. Only issue structure sits on property line.

Barron asked to put site plan on overhead viewer/wolf to understand other properties that have wood frame structures on property. Public records shows structure built in 1940 and front structure built in 1971. Per public records front is accessory.

Steve – bottom garage

Jason wants to make a game room very little value not 75%.

Kelly – meet current codes

Jason yes.

Lyon when burned – Jason 2005

Pete Johnson – stated member Ybor Association - Do not accept variance wants torn down.

Rebuttal. Several things incorrect. Electric completely gone no new meter. Plumbing not there for kitchen not to be used for other unit. Electrical and plumbing has been approved by bldg - not as separate residence.

Baron burned at time of purchase - Jason - yes.

Antonio - discussion

Concerned Steve with burned structure has no other use than being building cannot support application to approve variance. Not dealing with use technicality, if garage would understand.

DiNola can be shed or garage

Steve - and make motion

DiNola – question – structure not used nonconformity goes away. Eric nonconforming use as structure and code. Use is lost structure is for nonconforming structure to make it to conform structure through variance. 20% destroyed Eric w/o variance would have to tear it down.

Steve legal destroyed by 75% we could have it and many other structures in neighborhood. Have to tear it down.

Antonio unique and singular – structure there not unsound – leave structure burned. Live with damaged drywall DiNola wants to clean it up and put drywall. If sound cannot make him take it down.

Antonio - in harmony.

Steve does not believe in harmony.

Randy bldg is sound reopened. Eric if not condemned

Ernie reopened to ask staff quest. Procedures do not allow for public to speak. You can waive procedures.

Baron move to approve building there in current foot print walls existing - unique to this property allowing variance allows renovation pub safety, DiNola 2nd

All in favor - opposed Randy Baron Randy O'Kelley Steve Labour.

DiNola Lyon Amadeo, Utter - approve

Labour – deny not met hardship
Lyon 2nd

DiNola Kelley Labour Lyon aye to deny nay to deny motion carried.

PETITION:	VRB09-60
PETITIONER:	Lloyd T. Martin
AGENT:	None
LOCATION:	3206 W Tyson Avenue
REQUEST:	To reduce the front yard setback from 25' to 15'.
PURPOSE:	To construct a bedroom, bathroom and living room addition to an existing single family residence.
NEIGHBORHOOD:	Gandy/Sun Bay South Civic Assoc/Temple Crest Civic Assoc.

Eric cotton went over case. Showed site plant and photos.

Petitioner Presented board with information received & field w/o objection. Would lose ability to store work trailer. Shows east elevation electric for house is there. Bright house is there and air handler is there. Next picture shows it . South elevation arrows show where main water line comes into house. Would have to relocate main water lien and meet setback of 20' and has easement for utilities in that area. Just got that for setback made him rip part of root due to transportation.

Steve – book helpful showing hardships. Driveway plan transportation said it could be approved. I have e-mail no problem

Kelley – lift station elaborate. If put addition in south not enough flow to bring it out to east and incorporate lift station.

Sue Lyons – screened porch is addition were porch was pet extends 2' past porch.

Al Stinson - 4800 Sunbay president Gandy Assn. Assn. has had very few objections has not objections. Support Variance.

Close public, Discussion.

Barron made motion to approve – petitioner has well prepared hardships and makes it very easy to make motion to approve petitioner has shown that there is hardships to put proposed addition and has support of association.

DiNola 2nd

Motion carried unanimously.

V. BOARD ORGANIZATIONAL MATTERS

Ernie – workshop any other topics for workshop let him know. Thanks to Julia ant.

Meeting adjourned